





# Reagan Sends Crime Bill To Congress

President Reagan has sent to the Congress an omnibus crime bill that, among other things, would authorize a program of financial assistance to state and local law enforcement to help finance anti-crime programs of proven effectiveness.

The Comprehensive Crime Control Act of 1983 also would reform federal bail, sentencing, exclusionary rule, for-

feiture, insanity defense, and narcotics enforcement procedures.

The legislative proposal "provides a thorough and comprehensive reform of those aspects of federal criminal law that have proven to be the largest obstacles in our fight against crime," President Reagan said in announcing the bill. "Many of our proposals were consid-

ered by the 97th Congress. Others are new. Each is important in rolling back the tide of criminal activity that threatens our nation, our families, and our way of life."

The 42-item legislative package is not necessarily intended to be considered as a single bill by Congress, but rather to

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## Justice Assistance News

### *Lois Herrington Named Acting Director Of OJARS*

Lois Haight Herrington has been named acting director of the Office of Justice Assistance, Research, and Statistics. She was appointed to this position on March 7, 1983 by Attorney General William French Smith.

Mrs. Herrington succeeds Robert F. Diegelman, who had served as the acting director since August 1, 1980 and now returns to his position as assistant director, OJARS, for the Office of Planning and Management.

"This appointment is both exciting and challenging," said Mrs. Herrington, who recently completed service as chairman of the President's Task Force on Victims of Crime.

Mrs. Herrington brings extensive criminal justice experience to this post. An attorney for more than 16 years, she was a prosecutor with the Alameda County District Attorney's Office in California before coming to Washington, D.C. She had previously served as a counselor in the San Francisco Juvenile Hall and as a probation officer in San Joaquin County.

She also coordinated and participated in a drug diversion and education program, domestic violence coalition, child development council, and was a member of the California Sexual Assault Investigators.

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Lois Haight Herrington

*Reminder: May 15-21, 1983 Is National Police Week*

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#### Justice Assistance News

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## WHAT THEY ARE SAYING

# *Police Must Become Sensitive To The Needs Of Crime Victims*

This month's guest columnist is James P. Damos, chief of police, University City, Missouri, and immediate past president of the International Association of Chiefs of Police. Chief Damos served as a member of the President's Task Force on Victims of Crime and recently was appointed to and elected chairman of the Bureau of Justice Statistics Advisory Board.

In 1981, at the annual conference of the International Association of Chiefs of Police, President Reagan issued a seven-point criminal justice initiative. One was his intention to form a task force on victims of crime in America that would look fully and completely into the plight of the victim in today's society.

Because of their sheer number, it's difficult to attend any social gathering or meeting of people and not meet one or more persons who have been a recent victim of a crime. In 1980, there were 40 million victims of crime. These are documented cases. This doesn't include those who didn't, for whatever reason, notify police of their victimizations. Forty million victims is equivalent to one of every two people who voted in the 1980 presidential election. Statistically, it represents one of every three households in the country.

From 1972 through 1981, Americans experienced a 10 percent increase in population while suffering a 61 percent increase in serious crime. We're literally killing each other at the rate of about three an hour. The frightening "body count" represents some 22,000 to 25,000 criminal homicides each year. Drunk driving, a crime that is not even included in the Part I Index, is responsible for an additional 25,000 deaths every year.

Aggravating the figures even more is the steady decline of our crime-fighting resources. A recent study by Northwestern University shows that the number of police officers for each reported violent crime fell from 3.32 in 1948 to .5 in 1978. The findings of this National Institute of Justice funded report showed that while there was a four-fold increase in crime, there was only a two-fold increase in law enforcement resources.

The impact of the perniciousness of crime and declining capability for an adequate and timely police response brings fear and frustration to the American public. They feel that the police can no longer protect them. As a consequence, a sense of abandonment by government pervades the public consciousness. The public has tolerated clogging in the other elements of the criminal justice system. An overcrowded court docket or bulging prison doesn't hold the appearance of an immediate threat. But when people call the police and the police don't show up, the system is in imminent danger of collapse. The thin blue line of policing has stretched to the breaking point, and non-response by law enforcement comes closer and closer to reality.

However, there is an answer! In addition to efforts to involve more and more citizens in their own security and coordinate law enforcement efforts at the various levels of government, the Crime Victims Task Force report holds the promise of bringing a greater balance of forces to the problem of domestic defense.

For the police, the report calls for four major improvements that can be implemented with minimal additional funds and/or personnel. First, the report suggests that police departments develop and implement training programs to ensure



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# **Many Inmates Committed Crime While Using Drugs**

Almost one-third of state prison inmates interviewed in 1979 were under the influence of an illegal drug when they committed the crime for which they were serving their sentence, a Bureau of Justice Statistics survey found.

More than 50 percent of the state prisoners said they had taken illegal drugs during the month before committing the crime, said the bureau. Seventy-eight percent of the prisoners had used drugs at some time in their lives, compared to 40 percent of the general U.S. population.

The data came from a survey that asked the inmates a series of questions about their drug use, beginning with whether they had ever used drugs and ending with whether they were under the influence of drugs at the time of the crime for which they were imprisoned. This procedure of moving from general use to use at the time of the crime was adopted to minimize attempts by inmates to cite drugs as the reason for their crimes.

## **Major Findings**

According to the inmates' responses:

—One-half of all drug offenses were committed under the influence of a drug, which was heroin in 20 percent of the cases.

—About 25 percent of all burglaries and 20 percent of all robberies and of all drug offenses were committed under the influence of marijuana.

—Approximately 12 percent of all robberies and 10 percent of all larcenies were committed under the influence of heroin.

—The more convictions inmates had on their records, the more likely they were to have taken drugs during the month before their offense.

—Sixty percent of all inmates with five or more prior convictions had used drugs the month before their crimes, compared to just over 40 percent of those with no prior convictions.

—The percentage of inmates with five or more prior convictions who had used heroin in the month before their offense was three times greater than the percentage of inmates with no prior convictions.

Steven R. Schlesinger, the bureau's director-designate, said about 20 percent

of the 12,000 prisoners the Bureau of the Census interviewed for the survey said they had used six or more different types of drugs. Calling attention to what he said was one of the survey's most important findings, he pointed out that "heroin was used by 30 percent of the inmates but only by 2 percent of the general population."

One-half of the inmate population had been daily drug users at some point in their lives, he said, and 40 percent had recently used drugs every day. Most of the daily use was marijuana, but almost 20 percent had at one time or another used heroin daily and about 10 percent had used cocaine daily.

In its new report the bureau said that prisoner use of all drugs was substantially above drug use in the general population. However, prior to incarceration 20 percent of the inmates had used mari-

juana but no other drug, which is the same percentage as in the general population.

## **Convicted For Drug Sales**

About three-fifths of the drug users convicted of drug offenses were in prison for selling drugs rather than for mere possession or use. Less than one percent of the inmates were serving time for the possession or use of marijuana. Those convicted of drug offenses were the heaviest users of drugs before incarceration. Robbers and burglars were the next heaviest users. Murderers and rapists had low drug use rates, the bulletin said.

Single copies of the bulletin, "Prisoners and Drugs," can be ordered from the National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850.



Almost one-third of all state prison inmates were under the influence of an illegal drug when they committed the crime for which they were serving their sentence.

# Interagency Agreement Aims To Reduce Drug-Related Recidivism

The Office of Juvenile Justice and Delinquency Prevention and the National Institute on Drug Abuse have signed an interagency agreement aimed at reducing drug-related recidivism among serious and violent juvenile offenders who also are involved in controlled substance abuse.

A team of correctional and substance abuse experts will assess procedures for handling these offenders in juvenile probation departments in Maryland and New Jersey. They also will assess department policies, intake and diagnostic procedures, court presentations, caseload management, and the department's relationship with youth service agencies.

## Training Provided

The team will conduct training for probation officers and trainers in drug abuse treatment and early intervention theory and practice, as well as

in areas found to be deficient during the assessment phase of the project. Technical assistance in improving the department's programs dealing with violent substance abusers also will be provided.

OJJDP is providing \$68,000 to support the project and NIDA will provide administrative support and project guidance. NIDA is an agency of the U.S. Department of Health and Human Services.

## Priority Program

"The Department of Justice is proud to be part of this important new initiative," Alfred S. Regnery, acting administrator of OJJDP, said at the initial orientation and planning meeting.

"The problems of drug abuse and trafficking are high on the list of priorities for the Administration. With

this agreement, we are continuing the fight to combat drug abuse among juveniles. In the coming months, we hope to work with prosecutors, court officials, and police officers around the country in order to fight this problem more effectively."

John Winkfield, an OJJDP official, said the program may serve as a model for replication by other jurisdictions.

"It is significant and timely that OJJDP and the National Institute on Drug Abuse will work in concert to develop intake and diagnostic procedures in two states to handle drug-related juvenile offenders and, specifically, to train juvenile probation officers in drug abuse treatment and early intervention theory and practice. Hopefully, the experience gained in these two jurisdictions can ultimately serve as a model for replication elsewhere," Mr. Winkfield said. ■



# Publications



**Sentencing by Mathematics: An Evaluation of the Early Attempts to Develop and Implement Sentencing Guidelines**, by William D. Rich, L. Paul Sutton, Todd R. Clear, and Michael J. Saks, published by the National Center for State Courts. The cost is \$20.00 plus \$2.25 for postage and handling. To order, write: Publications Dept., National Center for State Courts, 300 Newport Ave., Williamsburg, Va. 23185.

**Control in the Police Organization**, Maurice Punch, editor, published by the Massachusetts Institute of Technology. The cost is \$30.00. To order, write: MIT Press, 28 Carleton St., Cambridge, Mass. 02142.

**International Crime Prevention Directory**, published by the California Crime Prevention Center in conjunction with the International Society of Crime Prevention Practitioners. To order, write:

Jack Beecham, Director of Special Programs, Office of the Attorney General, P.O. Box 13197, 4949 Broadway, Sacramento, Calif. 95913.

**A Guide to Microcomputers for Criminal Justice**, published by SEARCH Group, Inc. The cost is \$7.50 plus postage and handling. To order, contact SEARCH Group, Inc., 925 Secret River Drive, Suite H, Sacramento, Calif. 95831, 916/392-2550.

**Protective Parenting: The Art of Teaching Children About Sexual Abuse**, published by the Minnesota Criminal Justice Program. To order a free copy, send a stamped, self-addressed envelope to the Minnesota Criminal Justice Program, 480 Cedar, St. Paul, Minn. 55101.

**Alternative Dispute Resolution: Who's In Charge of Mediation?**, Larry

Ray, editor, and **A State of the Art Survey of Dispute Resolution Programs Involving Juveniles**, by Elizabeth W. Vorenberg, both published by the American Bar Association's Special Committee on Alternative Means of Dispute Resolution. The cost of each is \$5.00. To order, write: Special Committee on Alternative Means of Dispute Resolution, American Bar Association, 1800 M St., N.W., Washington, D.C. 20036.

**Ohio Citizen Attitudes Concerning Crime and Criminal Justice and Peace Officers Task Analysis: The Ohio Report**, both published by the Ohio Department of Development's Division of Criminal Justice Services. To order, contact: Jeff Knowles, Editor, Ohio Department of Development, Division of Criminal Justice Services, P.O. Box 1001, Columbus, Ohio 43216, 614/466-3887.

The 20 members of the Bureau of Justice Statistics Advisory Board have been sworn into office by Attorney General William French Smith.

The board will provide guidance to the bureau, recommending policies and priorities to its acting director, Steven R. Schlesinger.

The new members, sworn in at a February 25 ceremony at the Department of Justice, are:

Richard F. Alteri of Albany, New York—president, New York State Cable

Television Association.

Ordway P. Burden of New York City—founder of the Law Enforcement Assistance Foundation and National Law Enforcement Council; author of Burden's Beat, a regular column in Law Enforcement News.

Michael Carrington—president, Carrington & Company, a consulting and investment firm; chief of staff for California State Senator H. L. Richardson.

Robert F. Corbin—attorney general of the State of Arizona.

Colonel James P. Damos—chief of police, University City, Missouri; immediate past president of the International Association of Chiefs of Police. Chief Damos was elected chairman of the advisory board during the board's initial meeting following the swearing in ceremony.

John V. Diepenbrock—senior partner in the law firm of Diepenbrock, Wulff, Plant, and Hannegan of Sacramento, California.

Stephen Goldsmith—prosecuting attorney for Marion County, Indiana.

John T. Hay of Sacramento, California—executive vice president of the California Chamber of Commerce.

Tom Killefer of Stamford, California—retired chairman and president of the United States Trust Company of New York.

Franklin K. Lane III—attorney, Los Angeles.

James F. Mauze—partner in the law firm of Moline, Tegethoff, Otten, Mauze, and Leggat of St. Louis, Missouri.

Glenn J. Mecham—attorney; assistant mayor of Ogden, Utah.

David B. Miller—attorney; chief counsel for the Scranton-Lackawanna (Pennsylvania) Health and Welfare Authority.

Fred B. Morrison of Los Angeles, California—executive vice president, Crocker National Bank; chairman of Crocker Mortgage Company.

Frank J. Pagliaro, Jr. of Redwood City, California—partner in the law firm of Ropers, Majeski, Kohn, Bentley, Wagner & Kane.

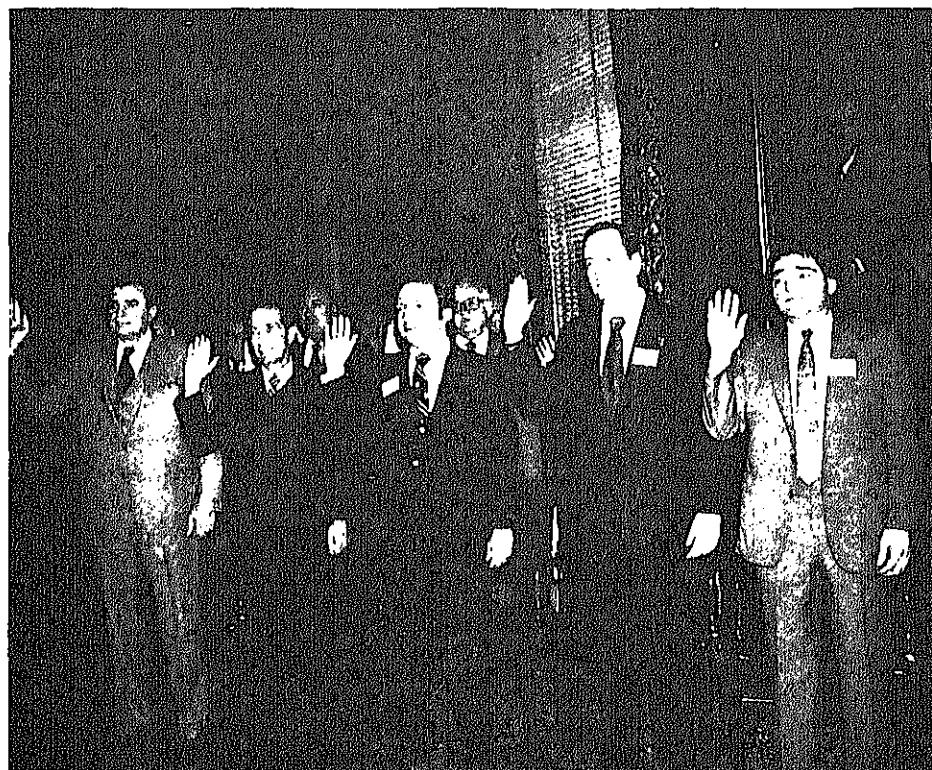
Jackson L. Schultz—senior vice president and manager of the Public and Governmental Affairs Department, Wells Fargo Bank, San Francisco.

Larry Stirling of La Mesa, California—member of the California State Assembly and its Judiciary Committee.

Christine Todd Whitman of Far Hills, New Jersey—member and secretary of the Board of Trustees of Somerset County College, New Jersey. Ms. Whitman was elected vice chairman of the advisory board.

Robert B. Wilkins—senior partner in the law firm of Wilkins and Druhan, Mobile, Alabama.

L. Duane Woodard—attorney general of the State of Colorado.



BJS Advisory Board members take the oath of office.

## AROUND the NATION

EAST LANSING, MICH.—Police officers who kill in the line of duty suffer post-shooting trauma that can ruin their careers, even their lives, a Michigan State University psychologist reports. John Powell, an MSU Counseling Center professor and practicing psychologist, said studies show that 70 percent of officers involved in a killing leave the force within seven years of the incident. "In many cases, there's no one to guide the officer through periods of self-doubt, depression, anger, and guilt," he said. "And if unresolved, the trauma can ruin the officer's life." Dr. Powell, who has been involved in special programs to train police officers to be responsive to other officers involved in shootings, said that ideally every police department should be able to provide help to officers in need. "An officer once told a newspaper reporter, 'You know, in the Police Academy we learn how to kill people if we have to, but we don't learn what to do for ourselves afterward.' I think it's time they all learned," Dr. Powell said.

one out of four victims of family violence suffered from repeated problems of violence from the same defendants months or even years after the original case was closed, a National Institute of Justice study reports.

The study also found that many of the defendants in the family and other non-stranger violence cases were involved in other criminal behavior. In Brooklyn, one of the study sites, arrest data collected two years after the original violent incidents showed that 32 percent of the defendants had been rearrested on other incidents, most of which were related to the original victim. Half of the rearrests were for violent offenses. These findings challenge the prevailing notion that defendants in non-stranger violence cases do not pose a threat to other members of the community," said James K. Stewart, NIJ director. "Greater attention should be focused on those non-stranger cases where patterns of repeated violence have been found. This can help not only the immediate victim, but also help to prevent violence in the community at large."

#### Victims Interviewed

Under a two-year grant from NIJ, researchers from the Institute for Social Analysis, in Reston, Virginia, examined a sample of cases handled through court and mediation programs in Los Angeles, Minneapolis, Brooklyn, and Charlotte, North Carolina. (The Charlotte sample contained only court cases.) They interviewed a total of 284 victims, defendants, and a number of judges, mediators, and prosecutors. In Brooklyn they also followed up cases handled two years earlier to determine if the problems of violence continued after the disposition of the case.

The research examined official treatment of the cases, disposition, and victim satisfaction, and compared how court and mediation processing affected the likelihood of further problems between the parties. The purpose was to identify ways of processing these cases that were satisfactory to the participants and seemed to contribute to the prevention of future violence. The Institute found that while continuing problems existed in a significant minority of cases, the majority of victims reported no further problems after the court or mediation process was completed.

Analyzing these apparently successful cases, the study found many victims

# Many Family Violence Victims Suffer

conduct had a profound impact on victims and defendants and that judicial warnings and lectures to defendants concerning the seriousness of their behavior tended to improve the future conduct of defendants. This effect seemed most critical for those who were appearing in court for the first time.

For a significant minority of defendants, however, this intervention was not sufficient. In Brooklyn, where the two and one-half year follow-up study was conducted, 28 percent of the persons reported later trouble with the original relative or acquaintance who assaulted them.

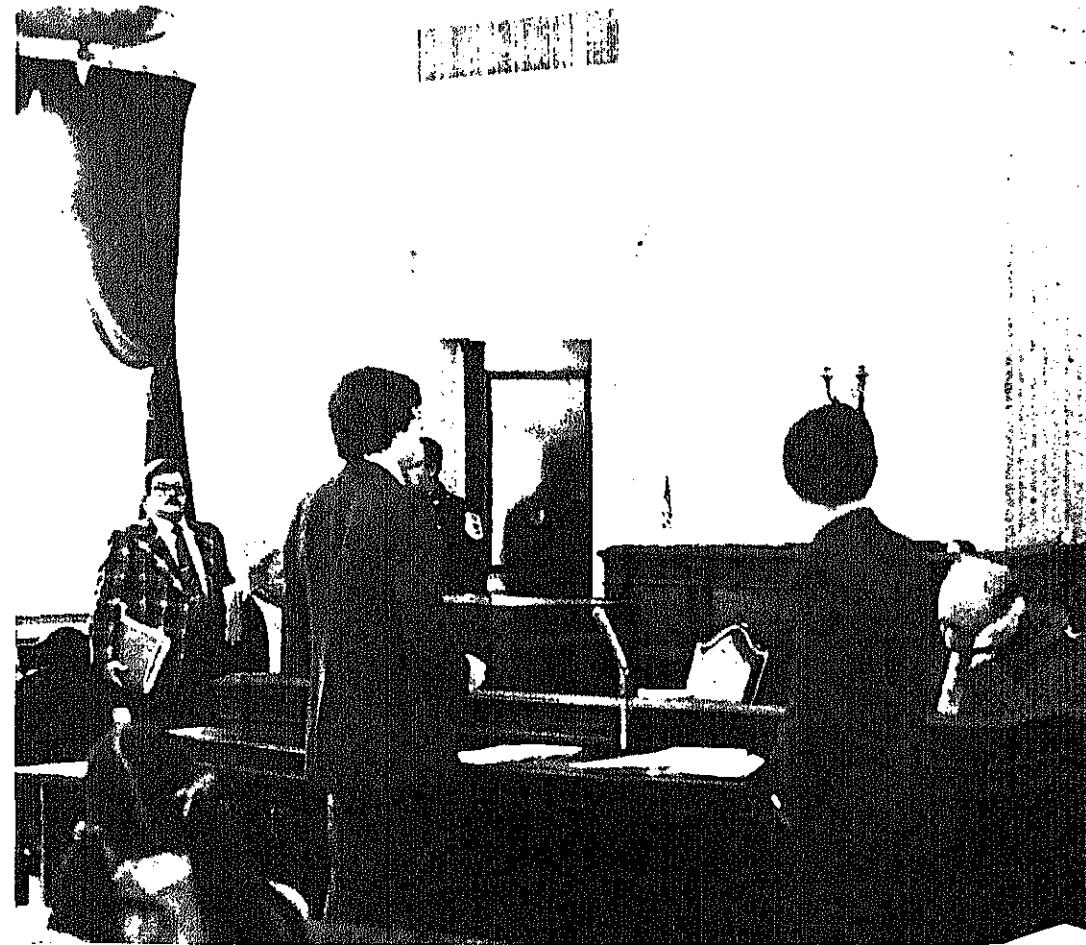
In attempting to identify cases in which there would be continuing problems or violence, the study found that previous calls to the police were the best predictor of the likelihood of new problems. The report recommended that in-

novative ways be developed for treating cases involving a history of violence and previous calls to the police. The study said that victims in these cases would continue to endure years of violent abuse unless some new and more effective approaches were adopted.

In commenting on the court processing, the study said, "... in some instances, more than one-half of all victims, non-stranger and stranger-to-stranger, emerged from their court experience with negative feelings about the officials and the process. This suggests that courts need to respond better to all victims."

#### 'Familiar Complaints'

The study said many victims complained about long waiting periods, unnecessary trips to court, lack of interaction with officials, general neglect, and



# Repeated Problems

lack of consideration for their feelings.

"These are familiar complaints. They echo many of the concerns documented by the President's Task Force on Victims of Crime," Mr. Stewart said. "Better management and sensitivity by criminal justice officials can help remedy the situation while we continue to search for more effective ways to reduce the trauma and alienation suffered by many crime victims."

Other findings of the study included:

—In the Charlotte, Minneapolis, and Los Angeles samples, more than two-thirds of the victims in the non-stranger cases sustained injuries, and one-third required medical attention. While most of the assaults were by fist or bodily force, almost 40 percent involved guns, knives, bludgeons, or other weapons. In spite of the apparent seriousness of the incidents, following the standard prac-

tice in these jurisdictions, the cases were prosecuted as misdemeanors rather than as felonies.

—One-third of the defendants who were convicted received jail sentences, usually for short periods (less than 30 days).

—Victims were generally more satisfied with the work of the police than with the work of judges, mediation officials, or prosecutors. Approximately 50

percent of the victims expressed dissatisfaction with prosecutors, typically due to a lack of interaction during the processing of the case.

A limited number of copies of the study, "Non-Stranger Violence—The Criminal Court's Response," are available by writing the National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850. ■

## BJS: Jail Inmate Population Increasing

An estimated 210,000 men and women were in the country's local jails as of last June 30—about one-third more than in 1978, the Bureau of Justice Statistics has announced. The jail survey was the first such inmate count since 1978, the bureau said.

The bureau said that during the year ending June 30, 1982, more than seven million people were in jail at one time or another. A substantial but unknown number were repeaters.

### Surveyed Annually

The percent increase in the jail population matched that for total state and federal prison inmates over the same period, according to the bureau's bulletin, "Jail Inmates 1982." The bulletin is based on data derived from a sample survey to be conducted annually, Steven R. Schlesinger, the bureau's acting director, announced.

There are about 3,500 local jails in the United States, of which 2,900 are county jails. The other 600 are municipal jails. Jails differ from lockups, drunk tanks, and similar holding facilities in that they are authorized to detain persons for more than 48 hours, whereas lockups are

not. Jails, unlike prisons, hold both unconvicted persons and prisoners sentenced for lesser offenses, usually misdemeanors, that carry a maximum sentence of one year or less. The great majority of prison inmates are serving felony sentences that exceed 12 months.

### Juveniles, Women Counted

There were an estimated 1,700 juveniles in adult jails on June 30, the bulletin said. There were 13,852 females in jail on June 30, 1982.

The estimated time spent in jail averaged 11 days, but this masks a large variation in length of stay. In some states jail inmates may serve sentences of more than a year, while many other jail inmates are there only for a few hours before obtaining some form of pretrial release, the bulletin said.

Forty percent of all jail inmates were in the country's 100 largest jails, which comprise about 3 percent of all jails.

Single copies of the bulletin may be obtained by writing the National Criminal Justice Reference Service at Box 6000, Rockville, Maryland 20850. The telephone number is 301/251-5500. ■

Table 2. Inmates of local jails, June 30, 1982

	All inmates	White <sup>1</sup>	Black <sup>1</sup>	Hispanic	Other <sup>2</sup>
Total	209,582	98,688	84,346	23,617	2,931
Adult	207,853	97,732	83,684	23,555	2,882
Male	194,153	91,721	77,750	22,075	2,607
Female	13,700	6,011	5,934	1,480	275
Juvenile	1,729	956	662	62	49
Male	1,577	859	635	47	36
Female	152	97	27	15	13

<sup>1</sup>Excludes persons of Hispanic origin.

<sup>2</sup>American Indians, Native Alaskans, Asians, and Pacific Islanders.

# New Guidelines Govern FBI Investigations

Attorney General William French Smith has announced new guidelines to clarify the scope of domestic security and terrorism investigations by the Federal Bureau of Investigation.

The revised guidelines, effective March 21, succeed the 1976 Domestic Security Guidelines, which were the first of their kind. The revisions are based on the FBI's seven years of experience with the 1976 version.

The new guidelines are needed to ensure protection of the public from the greater sophistication and changing nature of domestic groups that are prone to violence, the Attorney General said.

At the same time, the guidelines will adequately protect lawful and peaceful political dissent, he said.

During the past seven years, the Attorney General said, the character of domestic groups prone to violence has changed and the structures of these groups have become more fluid and sophisticated. "Moreover, the agents of the FBI have clearly demonstrated their professional competence, integrity, and ability to adhere to requirements of law," he said. "The time has therefore come to eliminate separate regulations for domestic security/terrorism investigations and treat these matters as an integral part of the FBI's general law enforcement responsibilities."

"Groups that engage in criminal violence for political or racist purposes are no less dangerous to our citizens than those who break the law for profit. These new guidelines will clarify the standards governing these investigations and reaffirm the importance of intelligence about violence-prone groups, while retaining the protections for lawful and peaceful political dissent that were built into the 1976 guidelines." ■

# Police Must Improve Victim Handling

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that police officers are sensitive to the needs of crime victims and informed, knowledgeable, and supportive of the existing local services and programs for victims. Many departments already are doing this, and it takes precious little additional effort to standardize such procedures throughout the law enforcement community.

In a second recommendation, the task force suggests that police departments establish procedures for prompt photographing and return of the victim's evidentiary property with the prosecutor's approval. Witnesses at the task force hearings testified that their belongings were tied up for years in court delays. This requires little more than maintaining a liaison with the prosecuting attorney and working out an agreement with him or her. It doesn't take any additional dollars; it doesn't take any changes in the law; it just takes initiative on the part of our police officials.

Item number three in the recommendations for police was that police departments establish procedures to ensure that victims of a violent crime be periodically informed of the status and closing of investigations. I can think of nobody in the system who will have ongoing contact with the prosecution to a greater degree than police officials. It is police who took the case, applied for and executed the warrant, and sought prosecution. A relatively simple procedure for learning case status and notifying victims and witnesses of decisions that seriously affect their lifestyles seems elementary to professional policing.

The fourth and final recommendation for the police was that they give high priority to witness and victim reports of intimidation and forward these reports to the prosecutor. Here again, we are talking about routine, businesslike procedures that would bring the system into greater responsiveness to the needs of the people. Crime victims and witnesses are the justice system's clients. We must become more client-oriented if we expect the public to report crime and testify against its perpetrators. Victim/witness advocacy is the balance we need on the scales of justice in order to credibly claim that it does not favor defendants' rights to the exclusion of all others.

In addition to the four recommendations for the police, there were 64 other positions taken by the task force, which would, when implemented, provide the advocacy needed to balance the system. They include suggestions for prosecutors, courts, parole boards, legislators, and such organizations as hospitals, the ministry, schools, the mental health community, and private sector providers of services. Perhaps the most far-reaching of these is a proposed amendment to the U.S. Constitution that would add language to the Sixth Amendment establishing the right of the victim to be present and heard at all critical stages of the initial proceedings against the defendant.

More generally, the task force recommends that legislative and executive branches at both the state and federal levels pass and enforce laws that recognize society's interest in assisting the innocent to recover from crime victimization. These include legislative proposals to ensure that addresses of victims and witnesses are not made public or available absent a clear need as determined by the court. Too often, this information is provided on a routine basis without adequate consideration of the prolonged trauma that victims and witnesses suffer because their addresses were made public. Passage of this proposal into legislation would require court approval of the release of such information. A further legislative proposal suggests that designated victim counseling is legally privileged and not subject to defense discovery and/or subpoena. How often has a victim of rape sought professional psychological counseling only to have the counsellor dragged into court and forced to testify to the innermost thoughts and feelings of the victim? We feel this is neither preferable nor necessary to the protection of the defendant's rights or the prosecution of the case.

Legislation also is proposed to allow the admissibility of victim and witness hearsay evidence at the preliminary hearing level of proceedings.

I was honored and privileged to sit next to President Reagan on January 27th when the task force report was submitted to him. I am happy to report to the law enforcement community that he has indicated his intention to implement provisions of the report. I believe we can look forward to a just balance in our criminal justice system in the not too distant future.

# *State Court Caseload Increased Greatly Since 1977*

There was a 31 percent increase in new criminal court cases in 40 states and the District of Columbia during the last four years, a 22 percent rise in civil filings, and a 32 percent increase in appellate court filings, a Bureau of Justice Statistics survey found. The survey was the first since the 1940s of nationwide state court caseloads.

About 98 percent of all cases in the U.S. are filed in state and local courts and 2 percent in federal courts, the bureau said.

For the most part, the survey compared the number of cases filed during either calendar year 1977 or fiscal year 1977-1978 with the number filed during 1981 or fiscal year 1981-1982 in those states for which comparable statistics were available.

The survey was conducted by the National Center for State Courts in cooperation with the Conference of State Court Administrators and funded by the Bureau of Justice Statistics.

## **Important Documentation'**

Steven R. Schlesinger, acting director of the bureau, said: "We are

delighted to participate in this important documentation of the substantially increased filings faced by most American courts. We hope that policymakers at every level will consider the implications of these data."

Efforts were made to ensure that the four-year data were based on comparable statistics. However, the data could not be adjusted for all changes in jurisdiction or procedures which took place during that period of time.

During 1981, the 50 states and the District of Columbia reported more than 82 million new court cases, and 36 states and the District reported criminal court increases during the four-year period ranging from 6 percent to 132 percent (Massachusetts). South Carolina's increased by 127 percent and Oregon's by 78 percent.

West Virginia's criminal caseload decreased by 27 percent, Iowa's by 14 percent, and Vermont's by 8 percent.

The largest civil court case increases were in Virginia (64 percent), Michigan (58 percent), and Maryland (51 percent).

The only states reporting decreased civil filings were Rhode Island (1 percent) and Wyoming (1 percent).

## **Traffic-Related Cases**

Of the 1981 civil, criminal, juvenile, and traffic cases, about 65 percent were traffic-related. There were about the same number of criminal and civil cases. Juvenile cases were less than 2 percent of the total. The relative proportion of the types changed little during the four-year period.

The large number of traffic court cases filed were difficult to compare among the states because some included parking violations while others did not. Large fluctuations in both filings and caseload increases can be caused by increases in the number of parking violations, which consume little or no court time, the report said.

The survey found that appellate court cases—especially appeals to intermediate appellate courts—are increasing at a faster rate than civil and criminal filings.

# *Omnibus Crime Bill Proposed*

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serve as a reference document to set out, in a comprehensive fashion, all of the various criminal justice reforms needed "to restore a proper balance between the forces of law and the forces of lawlessness," according to a White House statement.

Major provisions of the bill include:

—Language to permit courts to consider danger to the community in making bail determinations, tighten criteria for post-conviction release pending sentencing and appeal, provide for revocation of release and increased penalties for crimes committed while on release, and to increase penalties for bail jumping.

—Reforms to establish a determinate sentencing system, promote more uniform sentencing, and allow the government to appeal sentences more lenient than the sentencing guidelines.

—A change in the exclusionary rule that would prevent the suppression of evidence when it can be shown that officers were proceeding in an objectively reasonable and good faith belief that they were acting in compliance with the law.

—A strengthening of the criminal and civil forfeiture laws to allow federal prosecutors to confiscate the assets and profits of criminal enterprises.

—A replacement of the current federal insanity defense with a narrower defense applicable only to a person who is unable to appreciate the nature and wrongfulness of his or her actions.

—Increased penalties for drug traffickers and for tampering with consumer products, such as drug containers.

Other provisions concern capital punishment, labor racketeering, and extradition.

## *Herrington Appointed*

(continued from page 1)

Among her first official actions upon joining OJARS, Mrs. Herrington established a Working Group on Victims Initiatives within OJARS and charged it to develop a plan for implementing the 68 recommendations made by the Task Force on Victims of Crime.

"The task force made a number of very important recommendations," she said, "and I want to be certain that OJARS' work in this area is based on the foundation contained in the report. What must be recognized is that the injury to the innocent victim is what brings the criminal justice system into play. As we vigorously pursue programs to improve criminal justice systems, it is the innocent victim who will benefit."

Mrs. Herrington currently lives with her husband and their two teenage daughters in McLean, Virginia.

# Views In The News

**HELPING VICTIMS:** ". . . The final report of the (President's Task Force on Victims of Crime) is a comprehensive list of practical recommendations for programs to improve the treatment and counseling of victims of crime. Some are controversial, some can be effected easily and would have been years ago if a little compassion and common sense had been in evidence. Others will require sustained effort and money but are well worth the cost. . . .

"Some recommendations seem so clearheaded and simple that it is a wonder they have to be formally proposed. Separate waiting rooms in courthouses for victims and defendants ought to be mandatory. Restitution for material losses should be part of every sentence. Threatened witnesses and victims must be given police protection. Hospital personnel should have special instruction in dealing with crime victims during the difficult and highly emotional hours following assault. . . .

"Broader reforms are also warranted. Why shouldn't victims be allowed to file a kind of 'impact statement' at the time of sentencing, or make their views known to parole boards? And compensation should be provided for victims of crime throughout the country. . . . Counseling services and victims' ombudsmen would demonstrate society's concern for those who suffer from crime.

"The task force report is a compendium of ideas that deserves the attention of courts and legislators. The document has already served an important purpose, though, in bringing the problems of victims to the attention of the public so that each of us, whether we encounter crime victims in our professional or in our personal lives, will be more aware of their needs and better able to provide the right kind of help."—*Editorial, The Washington Post.*

**RATING THE POLICE:** "When are the police doing their job? . . .

"To David Couper, chief of police in Madison, Wis., the obvious is dubious. In a pamphlet . . . published recently by the Police Foundation, he points out that the crime rate, for example, is a misleading measurement, since it is commonly based on reports of crime. In fact, much crime is never reported and reporting rates vary from place to place. . . .

"Arrest rates are no better measure. An arrest may depend on the victim's memory, the cooperation of witnesses and the quality of evidence. . . .

"The size of a force and its response time also resist easy assumptions. It takes one kind of police deployment to deal with shoplifters in Beverly Hills or ski larcenies in Aspen, Chief Couper writes, but quite another to handle arson in the south Bronx and drug traffic in Miami. . . .

"How should communities rate their police? By asking the same questions one might use to assess any public agency: Does the chief establish and carry out clear policies? Does the department balance its duties to catch murderers, chase rowdy kids off street corners and deal with abandoned babies? Does it crack down effectively on corruption or misuse of force? And does it get along well with other criminal justice agencies and with the community as a whole?

"Chief Couper's real message is that the traditional standards perpetuate a myth that the police are responsible for the level of crime, when in fact it is also powerfully affected by broad social trends. The police are able to reduce some kinds of crime in some circumstances; they are best judged on their ability to deal with it professionally."—*Editorial, The New York Times.*

**FINGERPRINTING CHILDREN:** "Society is in profound need of examining itself when it goes to the lengths of fingerprinting young children. That is now occurring in at least a dozen communities around the United States as parents have become concerned about reports that thousands of children run away from their homes each year, become lost, or are kidnapped.

"Taking fingerprints as a record of identification would seem to be reasonable—provided that such a program is entirely voluntary and left to the discretion of each family. . . .

"As far as the records themselves are concerned, it is best to turn these over directly to the parents, as proposed by civil libertarian groups, rather than keeping them on file in the police department. . . .

"There still remains a disturbing aspect in all this, however. To what extent is society tolerating the type of incidents that have led to the need for fingerprinting in the first place? Would children run away from a home where affection and mutual trust prevailed? And would child-snatching occur in a legal climate where potential criminals knew that there would be swift and no-nonsense punishment for such an offense? In this connection the court system should be firmer in enforcing existing federal and state statutes against kidnapping, while states and local jurisdictions that do not have such laws should enact them.

"Finally, the entertainment industry and the press have a vital responsibility in all this to avoid the type of sensationalism that nurtures public fear. It is prudent for communities to take proper steps to protect their children. It is unconscionable to exploit such legitimate concerns for financial gain."—*Editorial, The Christian Science Monitor.*